

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 282

CASE NO. 76-24

June 14, 1979

Pursuant to notice, public hearings were held by the District of Columbia Zoning Commission on October 19, 21 and 30, November 14 and 30 and December 9, 1978 to consider amendments to the Zoning Map of the District of Columbia. While the Zoning Commission sponsored the hearing pursuant to Paragraph 9101.22 of the Zoning Regulations, the case was initiated by a petition filed by the Dupont Coalition. The Dupont Coalition is comprised of Advisory Neighborhood Commission 2-B, the Dupont Circle Citizens Association, the Dupont Circle Property Owners Association, the Midway Civic Association and the North Dupont Community Association. The Coalition's petition requested the Commission to change the zoning for various property in the Dupont Circle area, bounded generally by Florida Avenue and U Street on the north, 15th Street on the east, M and N Streets on the south and 23rd Street on the west. The notice of public hearing identified all the specific changes proposed by the Coalition, including changes from R-5-C to R-5-B, from R-5-D to SP-1 or R-5-B, from SP to R-5-B, R-5-D or SP-1, from C-2-A to R-5-B, C-1 or C-2-B with a 3.5 floor area ratio (FAR), from C-2-B with a 6.0 FAR to C-2-B with a 3.5 FAR, and from C-3-B to C-2-A. The notice further stated the Commission's desire to "receive public testimony on the appropriateness of making other changes to the Zoning Map in the area."

The R-5-B District permits general residential use, including detached, semi-detached and row dwellings, flats, apartments and hotels, to a maximum height of sixty feet and a maximum FAR of 1.8. The R-5-C District permits the same uses as R-5-B, with a maximum height of ninety feet and a maximum FAR of 3.5. The R-5-D District permits the same uses as R-5-B and R-5-C, with a maximum height of ninety feet and a maximum FAR of 6.0.

When the petition was advertised for hearing, the SP District permitted residential and limited office uses, to a maximum height of ninety feet and a maximum FAR of 6.0 for

apartments and hotels and 5.5 for offices. The SP-1 District referenced in the notice was an SP-1 District proposed by the Dupont Coalition. That SP-1 District would have had a maximum height of sixty feet, a maximum FAR of 3.5 and would have restricted non-residential uses to existing buildings or buildings built prior to 1910. On September 14, 1978, by Order No. 235, the Zoning Commission adopted amendments to the SP District. Those amendments created two SP Districts, an SP-1 and an SP-2. Both districts continue to permit residential uses, and allow limited office uses with BZA approval. The SP-1 District has a maximum height of sixty-five feet and a maximum FAR of 4.0, with non-residential uses limited to 2.5 FAR. The SP-2 District has a maximum height of ninety feet, and a maximum FAR of 6.0, with non-residential uses limited to 3.5 FAR. All property which was zoned SP at the time the two new categories were created was designated in the SP-2 District.

When the petition was advertised for hearing, the C-1 District allowed local neighborhood oriented retail and service uses, as well as offices and all kinds of residential uses, with a maximum height of forty feet or three stories, and with a maximum FAR of 1.0, with residential uses limited to 0.9 FAR. By Order No. 242, dated November 9, 1978, the Zoning Commission adopted amendments to the C-1 District, which allowed residential uses to have the same 1.0 maximum FAR as non-residential uses.

When the petition was advertised for hearing, the C-2-A District allowed office, retail and residential uses, with a maximum height of sixty feet and a maximum FAR of 2.0, with residential uses limited to 1.8 FAR. By Order No. 242, dated November 9, 1978, the Zoning Commission adopted amendments to the C-2-A District which reduced the maximum height to fifty feet, increased the overall FAR to 2.5, and reduced the non-residential FAR to 1.5.

When the petition was advertised for hearing, the C-2-B District permitted the same retail, office and residential uses permitted in C-2-A. Retail uses were limited to the first floor and office uses to the first and second floors while residential uses could occupy any floor and were required for the third and all higher floors. The maximum height was ninety feet, and the maximum FAR was either 3.5 or 6.0, depending upon the area and designation by the Zoning Commission. By Order No. 242, dated November 9, 1978, the Zoning Commission adopted amendments to the C-2-B District. The limitation of retail and office uses to the first and second floors was removed. The C-2-B District was split into the C-2-B and C-2-C Districts. The C-2-B District remained at a 3.5 overall FAR, with non-residential uses limited to 1.5 FAR, while the height was reduced

to a maximum of sixty-five feet. The C-2-C District has a maximum height of ninety feet and a maximum FAR of 6.0, with non-residential uses limited to 2.0 FAR. All property which was zoned C-2-B with a 6.0 FAR at the time that the district was split was designated C-2-C.

When the petition was advertised for hearing, the C-3-B District permitted office, retail and residential uses with a maximum height of ninety feet and a maximum FAR of 6.5, with residential uses limited to 4.5 FAR. By Order No. 234, dated September 14, 1978, the Zoning Commission adopted amendments to the C-3-B District which allowed residential uses to have the same 6.5 maximum FAR as non-residential uses.

The petition submitted by the Dupont Coalition was originally received in June of 1975, and at that time proposed both extensive map and text amendments to the Zoning Regulations. The Commission determined to incorporate the proposed text modifications into the overall review of commercial, special purpose and mixed use districts which the Commission conducted in the early part of 1978. Some of the changes which resulted from that review have been noted earlier in this order. The Coalition's map amendments generally proposed to:

1. Rezone most of the existing SP zoned land east of Dupont Circle to SP-1, or in the alternative R-5-B.
2. Rezone Massachusetts Avenue from Dupont Circle to 23rd Street from R-5-D and SP to SP-1, or in the alternative R-5-B.
3. Rezone Connecticut Avenue from Dupont Circle to Florida Avenue from C-3-B to C-2-A.
4. Change the permitted FAR in the existing C-2-B zoned area along P Street from 6.0 to 3.5.
5. Rezone most of the C-2-A zoned area along 17th Street to C-2-B with an FAR of 3.5.
6. Rezone a small portion of the C-2-A zoned land at 18th and S Streets from C-2-A to C-1, and rezone most of the rest of this C-2-A District along 18th Street to R-5-B.
7. Rezone several areas currently zoned SP focused on 17th Street and Massachusetts Avenue and 17th and O Streets and 20th and P Streets and 20th Street and New Hampshire Avenue to R-5-D.

8. Rezone most of the existing R-5-C Districts along 16th and New Hampshire Avenue south of S Street to R-5-B.
9. Rezone the triangular block at New Hampshire Avenue and 21st Street from R-5-D to R-5-B.

The Coalition's proposals were designed to achieve the following general objectives:

1. Preserve a wide-range of housing alternatives for all income groups and for households of all sizes;
2. Provide opportunities for the expansion of the neighborhood's housing stock;
3. Accommodate diplomatic and non-profit uses in portions of the neighborhood without jeopardizing the housing stock;
4. Provide a physical environment favorable for the survival of small shops and businesses serving both neighborhood and regional markets;
5. Provide a clear boundary between the Dupont Circle neighborhood and the Central Business District; and
6. Preserve the neighborhood's ambience and Victorian architectural character.

At the present, the Dupont Circle area is a mixed use community. The area is crossed by three major diagonal avenues, Connecticut, Massachusetts and New Hampshire and one major north-south street, 16th. The existing higher density zones are located generally along these four major streets. This includes C-3-B zoning along Connecticut Avenue, R-5-D and SP along Massachusetts Avenue, and SP and R-5-C along New Hampshire Avenue and 16th Street. There are also strips of neighborhood oriented commercial districts along 17th Street between P and R, 18th Street between S and Florida Avenue, and P Street between 20th and 22nd. The remaining portions of the area, including the majority of the frontage along the east-west streets, is zoned R-5-B.

The pattern of existing uses is similar to the zoning categories. Commercial development, including retail and general offices, is located along Connecticut Avenue, 17th, 18th and P Streets. The highest bulk is located on and adjacent to Connecticut Avenue south of Dupont Circle, although there are some high-rise office buildings on Connecticut between Dupont

Circle and Florida Avenue. There are major high-rise apartment buildings along New Hampshire and Massachusetts Avenues, as well as on 16th and P Streets. There are major high-rise office buildings for professionals and non-profit organizations along Massachusetts Avenue. There are major hotels in the area, including three located on and west of Dupont Circle. There are many row houses and medium sized apartment buildings, containing both residential and non-residential uses, primarily located along the east-west cross streets. In summary, north of P Street and Dupont Circle, residential uses predominate, south of the Circle, office uses predominate. Connecticut Avenue and 19th Street both north and south of the Circle have become a focus for entertainment/restaurant oriented retail activity substantially extending the hours of activity on the streets. The area contains both specialty and locally oriented retail strips. Clubs, art gallery's, churches and other private institutions provide area residents and employees with substantial cultural opportunities.

The existing Dupont Circle neighborhood is one of the city's special areas. Its unique attractiveness is due to two basic factors. One is the physical environment. The L'Enfant plan with its circles, squares and street network of major avenues diagonally placed over a 19th century scaled grid street pattern provides a visually powerful, organizing framework. In this area, developed one of the city's most attractive residential neighborhoods. The streets are lined with architecturally distinctive row houses and grand landmark quality mansions. The unique architectural and cultural characteristics of this neighborhood have been recognized by the designation of three historic districts within the area to the National Register: the Massachusetts Avenue Historic District which extends through the area and the Dupont Circle and 16th Street Historic Districts which are located completely within the area.

The second major factor contributing to the Dupont Circle area's unique attractiveness is the urban vitality created by the area's particularly diverse mix of uses. Dupont Circle is a balanced community. It provides many opportunities for housing and employment, shopping, entertainment and cultural pursuits.

The problems in the Dupont Circle area can generally be summarized as three basic sets of issues. The first set of issues involves the conservation and enhancement of Dupont Circle as a predominantly residential neighborhood. The second set involves the extent of accommodation of development resulting from the expansion of the central employment area and the opening of the

Metro station. The third group of issues involves the preservation and enhancement of historic landmarks and districts.

In considering those issues, and all of the related problems associated therewith, the Zoning Commission has received an extensive amount of testimony, evidence and information. The Dupont Coalition presented a substantial case, including much detailed evidence and expert testimony on issues ranging from economic effects to traffic and air quality. The District of Columbia Municipal Planning Office, presented an extensive report on the area. Many persons appearing in opposition presented carefully prepared and documented information opposing many of the changes proposed.

The Commission has carefully and extensively weighed and considered all of the evidence before it. The Commission has conducted its own personal and extensive review of the area, including several site visits by the Commission. The Commission believes that this case can only be decided by balancing all of the issues presented before it.

In reaching its decision on this matter, the Commission wishes to note three factors which it has taken heavily into account. First, the Commission has previously adopted changes to the text of many of the zone districts presently mapped in this area. Specifically, it has reduced the non-residential density in the SP-2 District, reduced the height and non-residential density in the C-2-A District, and adopted many other changes designed to facilitate and encourage new residential development in commercial districts. Second, the Historic Landmark and Historic District Protection Act of 1968 became effective on March 3, 1979. This law provides a much stronger protection for historic buildings and areas than was previously the case. The law further sets up a mechanism to administer the process, and to specifically take into account the primary concerns of historic preservation. It is therefore not necessary for the Zoning Commission to take the primary role in preservation. Third, the Commission desired to avoid as far as possible the creation of non-conforming uses so as not to penalize persons who relied on and developed under the existing zoning. The changes finally adopted by the Commission for the most part are within one general category to avoid non-conformities; that is, from SP-2 to SP-1, R-5-C to R-5-B, etc. Those changes which are outside of one category either do not restrict uses or conform to existing uses.

In consideration of all of the testimony and evidence, and balancing the positions of all affected interests, the Commission has determined that the following actions are appropriate:

1. Rezone from SP-2 to SP-1 both sides of 16th Street between Scott Circle and Q Street, including the south side of O Street west of 16th Street, in order to conserve the scale of existing historic and residential buildings, and the mixture of residential and institutional uses.
2. Retain R-5-C for both sides of 16th Street between Q and U Streets and for both sides of New Hampshire Avenue from Swann Street to V Street, because both Streets are already developed with several large apartment buildings consistent with the general nature of the R-5-C District.
3. Rezone from R-5-C to D/R-5-B part of the east side of New Hampshire Avenue between R and S Streets and the west side of New Hampshire Avenue between Riggs Place and Swann Street, in order to protect existing low-rise buildings, continue residential use in the area and preserve the option for chancery use in accordance with the Foreign Missions element of the Comprehensive Plan.
4. Rezone from R-5-C to SP-1 the west side of New Hampshire Avenue between R Street and Riggs Place, in order to allow for preservation and appropriate use of landmark buildings, many of which have historically not been used for residential purposes.
5. Rezone from SP-2 to SP-1 both sides of New Hampshire Avenue and 18th Street between R Street and south of Q Street; both sides of 18th Street south to P Street, extending to Dupont Circle; the west side of 18th Street from P Street to south of Massachusetts Avenue; the square bounded by Massachusetts Avenue, 17th, N and 18th Streets; the south side of N Street and the north side of Rhode Island Avenue west of 17th Street; the area bounded by Rhode Island Avenue, Massachusetts Avenue, 15th and 17th Streets, in order to insure the continued mixture of embassy, chancery, residential and office uses, to reflect existing development, and to keep any new development to levels appropriate in scale to the existing development.
6. Retain SP-2 for the north side of Massachusetts Avenue between 17th Street and the alley west of 16th Street, because this area is already exclusively developed

with ninety foot buildings devoted to residential and office uses.

7. Rezone from C-2-A to C-2-B the east side of 17th Street from P Street to north of R Street and the west side of 17th Street from Q to north of R Street, in order to allow continuation of existing neighborhood serving commercial uses while encouraging in-fill development of housing at higher densities.
8. Rezone from SP-2 to R-5-B the Stead Playground north of P Street between 16th and 17th Streets, in order to restrict development to the same type and level as is appropriate for other property in east-west cross streets, if the playground is ever redeveloped.
9. Retain C-2-A for both sides of 18th Street between S Street and Florida Avenue, because this area is developed with many commercial uses, expansion of which would serve neighborhood needs.
10. Rezone from SP-2 and R-5-D to SP-1 the square bounded by Massachusetts Avenue and 20th, 21st and Q Streets, and the south side of Massachusetts Avenue between 20th and 21st Streets and the north side of Massachusetts Avenue between 21st Street and Florida Avenue in order to conserve the existing scale of buildings, mixture of uses and several landmark buildings.
11. Retain R-5-D for the south side of Massachusetts Avenue between 21st and 22nd Streets, because the block is primarily developed with existing high density residential buildings.
12. Retain C-2-C for both sides of P Streets between 21st and 22nd Streets and retain D/C-2-A for the north side of P Street east of 21st Street, because those zones generally reflect the level of development already existing.
13. Rezone from C-2-C to C-2-B the south side of P Street east of 21st Street, in order to encourage retention and reuse of existing buildings for appropriate residential/retail purposes.
14. Retain SP-2 for the west side of 20th Street between O and P Streets and the west side of New Hampshire Avenue between O and N Streets, because the area is fully developed with apartment buildings built to SP-2 standards.



15. Rezone from SP-2 to R-5-B the north side of N Street west of New Hampshire Avenue, and rezone from R-5-D to R-5-B the square bounded by New Hampshire Avenue and N and 21st Streets, in order to match the zoning with existing development to preserve existing townhouses in residential use.
16. Rezone from R-5-B to C-2-B the north side of R Street west of 17th Street immediately adjacent to the existing C-2-A, in order to create a larger developable parcel adjacent to the commercial strip along 17th Street.

The Commission has also determined that it is not appropriate to take any action concerning the rezoning of Connecticut Avenue from Dupont Circle to Florida Avenue at this time. While the Commission believes that the continuation of the high density and height levels of the present C-3-B zoning is not desirable, the Commission does not believe that any of the existing lower density commercial zones provides adequate commercial density for what is and has been a commercial strip. The Commission has therefore asked the Office of Planning and Development to study what alternatives are possible for future action regarding Connecticut Avenue.

Advisory Neighborhood Commission 2-B was a member of the Dupont Coalition, and actively supported the Coalition proposal. The Advisory Neighborhood Commission did not submit an individual written statement setting out its issues and concerns apart from the overall views of the Coalition, which the Commission has herein addressed.

The proposed map amendments were referred to the National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act, and the NCPC reported that the proposed amendments will not have a negative impact on the interests and functions of the Federal Establishment in the National Capital and are not inconsistent with the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital.

The Commission finds that the proposed amendments are in the best interests of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and the Zoning Act. The Commission therefore orders adoption of the following amendments to the Zoning Map:

1. Square 66 - Change all that property currently zoned R-5-D to SP-1
2. Square 94 - Change the entire square from R-5-D and SP-2 to SP-1
3. Square 95 - Change all that property currently zoned R-5-D and SP-2 to SP-1
4. Square 96 - Change all that property currently zoned C-2-C to C-2-B
5. Square 97 - Change lots 42-44 and 57 from SP-2 to R-5-B
6. Square 98 - Change the entire square from R-5-D to R-5-B
7. Squares 134  
135, 136,  
N-137, 137- Change all that property currently zoned SP-2 to SP-1
8. Square 152- Change all that property between Swann and S Streets currently zoned R-5-C to D/R-5-B
9. Square 153- Change all that property between Riggs Place and Swann Street currently zoned R-5-C to D/R-5-B

Change all that property between Riggs Place and R Street currently zoned R-5-C to SP-1

10. Square S-153 - Change the entire square from SP-2 to SP-1

11. Square 154 - Change Lots 21, 22, 39, 25 and 26 from R-5-C to D/R-5-B

Change all that property currently zoned C-2-A and Lots 802 and 803 to C-2-B

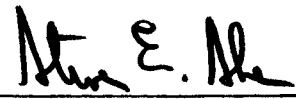
12. Square 155 - Change all that property currently zoned  
SP-2 to SP-1  
  
Change all that property currently zoned  
C-2-A to C-2-B
13. Square 156- Change all that property currently zoned  
SP-2 to SP-1
14. Square 158 - Change the entire square from SP-2 to  
SP-1
15. Square 159 - Change all that property currently zoned  
SP-2 to SP-1
16. Squares 178  
and 179 - Change all that property currently zoned  
C-2-A to C-2-B.
17. Square 180 - Change all that property currently zoned  
C-2-A to C-2-B  
  
Change Lot 813 from SP-2 to R-5-B  
  
Change Lots 42-44, 801, 84, 83 and 800  
from SP-2 to SP-1
18. Square 181 - Change all that property between O and P  
Streets currently zoned SP-2 to SP-1  
  
Change Lots 28, 803, 804, 852, 851, 806,  
158, 155, 156, 807, 825, 141 and 800 from  
SP-2 to SP-1
19. Squares S-181,  
N-182, S-195,  
N-196 - Change the entire squares from SP-2 to  
SP-1
20. Squares 194-  
and 195 - Change all that property currently zoned  
SP-2 to SP-1

Z. C. CASE NO. 282  
CASE NO. 76-24  
PAGE 12

NOTE: All lots, and squares are as shown on the BAIST ATLAS,  
Volume I, on record in the Office of the Zoning  
Secretariat.

Vote of the Commission taken at its public meeting held on May  
10, 1979: 3-0 (Walter B. Lewis, John G. Parsons and George M.  
White in favor of the changes, Ruby B. McZier not voting, not  
having participated in the case, Theodore F. Mariani not present,  
not voting).

  
RUBY B. MCZIER  
Chairperson

  
STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its public  
meeting held on June 14, 1979 by a vote of 3-0 (Walter B. Lewis,  
George M. White and John G. Parsons to ADOPT, Theodore F. Mariani  
and Ruby B. McZier not voting, not having participated in the case.

In accordance with Section 3.6 of the Rules of Practice and  
Procedure before the Zoning Commission of the District of Colum-  
bia, the amendments to the Zoning Map are effective on 22 JUN 1979